

Arizona Senate Transportation Committee

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TRANSPORTATION

Forty-seventh Legislature Second Regular Session

LEGISLATION ENACTED

computer software agreements; ADOT (S.B. 1024) – Chapter 27

Allows the Arizona Department of Transportation (ADOT) to enter into agreements with agencies, tribes and political subdivisions in other states to exchange ADOT developed computer software and web based programs, if it is determined to be in the best interest of this state. Expands ADOT's authority to enter into agreements to sell or lease ADOT developed computer software and enter into agreements to maintain the software to include tribes.

stopping vehicles on highways (S.B. 1166) – Chapter 84

Allows public transportation vehicles to stop on a state highway or state route to embark and disembark passengers if the local authority conducts a traffic safety and engineering study and additional conditions are met.

automobile theft authority; membership; exception (S.B. 1181) – Chapter 158

Allows designees to serve in place of certain officials appointed to the Arizona Automobile Theft Authority (ATA). Changes the population designations for the ATA county attorney members so that one serves from Maricopa County and one from any other county.

envelope permits; overdimensional permits (NOW: escort vehicle) (S.B. 1218) – Chapter 219

Outlines certification requirements for escort vehicle operators. Requires municipalities that issue excess size and weight permits (permits) to provide the local authority's rules and regulations relating to permits to the Arizona Department of Transportation (ADOT). Exceptions to the permit requirements are authorized if a local authority does not issue permits, the motor carrier's operation is limited to streets and roadways under a local jurisdiction and the motor carrier is in compliance with ADOT rules.

vehicle dealer regulations; exceptions (S.B. 1220) – Chapter 220

Exempts an automobile owner who sells a classic car or historic vehicle titled in the owner's name in Arizona before December 31, 2005, from the motor vehicle dealer, automobile recycler and transporter licensing and regulatory statutes.

TRANSPORTATION COMMITTEE (Cont'd.)

traffic ticket enforcement assistance program (S.B. 1242) – Chapter 296

Expands the offenses that are subject to the Traffic Ticket Enforcement Assistance Program (TTEAP) to include boating violations and removes the minimum cap on the amount of delinquent fines owed for which the Arizona Department of Transportation (ADOT) must refuse to renew an owner's vehicle registration. Expands the types of obligations collected by TTEAP and requires notification of a delinquent fine to be sent to all registered owners listed for a vehicle. The court may permit vehicle registration renewal if the court determines the registered owner making the request is not the person responsible for the alleged violation.

private contractors; vehicle parking; enforcement (S.B. 1269) – Chapter 231

Allows a municipality to appoint approved private contractors for the enforcement of local ordinances and regulations relating to vehicle parking.

ignition interlock devices (S.B. 1274) – Chapter 312

Expands the definition of an aggravated DUI and requires the Arizona Department of Transportation (ADOT) to revoke the driving privileges and refrain from renewing a person's license for three years if a person, who while under a court order to operate a vehicle equipped with an ignition interlock device (IID), refuses to submit to a test while under arrest or who is guilty of a DUI. Criminal penalties are also outlined.

Requires an IID installer to provide information to ADOT every time data is gathered from an individual under an IID order, instead of every 11 months, regarding any tampering, failure to comply or attempts to operate the vehicle with a blood alcohol concentration above the prescribed limit. Individuals under an IID order who receive an aggravated DUI for a second DUI or for a refusal to submit to a test requested by law enforcement must maintain the device for 12 months.

ignition interlock installers; manufacturers; certification (S.B. 1275) – Chapter 271

An emergency measure requiring the Arizona Department of Transportation Director to establish rules to certify ignition interlock device manufacturers and installers and procedures for notification of a canceled certification.

The inability to obtain manufacturer's design details that are protected as trade secrets for an approved breath-testing device, used to measure a person's alcohol concentration, does not affect the admissibility of the device's breath test results in any trial, action or proceeding. Records of periodic maintenance and calibration checks serve to satisfy the admissibility requirements in any proceeding.

use fuel taxes: civil penalties (S.B. 1445) – Chapter 224

Establishes penalties for a person who intentionally purchases use fuel for a use class motor vehicle while paying the use fuel tax rate for a light class motor vehicle. A vendor is not

TRANSPORTATION COMMITTEE (Cont'd.)

liable for the civil penalty unless the vendor is the owner of a vehicle into which the fuel was improperly dispensed or conspired with a fuel purchaser to evade the tax.

homeowners' associations; violation notices (NOW: DUI; prior offenses) (S.B. 1560) – Chapter 395

SEE JUDICIARY COMMITTEE.

military support special license plates (H.B. 2056) – Chapter 256

Requires the Arizona Department of Transportation to issue military support special license plates. The costs necessary to issue the special plates are paid by monies from the Veterans' Donation Fund, which receives all donations collected from the military support special plate fee.

personalized veteran special license plates (H.B. 2100) – Chapter 377

Allows a request for a veteran special license plate to be combined with a request for a personalized special plate and allows the combined plate to be renewed for \$25. Prohibits "Arizona" from being obscured on motor vehicle license plates effective January 1, 2009.

motorist coverage; claims; time limits (H.B. 2164) – Chapter 107

Changes vehicle insurer liability terms for individuals seeking uninsured and underinsured coverage benefits by altering the time frame requirements for claim submission. Requires an individual to submit a claim for uninsured coverage within three years of the date of the accident that caused the bodily injury or the earliest date the person: 1) knew the tortfeasor was uninsured; 2) knew or should have known that coverage was denied by the tortfeasor's insurer; or 3) knew or should have known of the insolvency of the tortfeasor's insurer.

For underinsured motorist claims, a person must make a claim within three years of the date of the accident and the person must have made a claim with the tortfeasor's insurer or filed an action against the tortfeasor within the time limit provided by law. Allows a person to make an underinsured motorist claim within three years after the date the person should have known that the tortfeasor has insufficient liability insurance coverage to cover the person's injuries.

Outlines insurers' duties regarding notification of the person filing the claim as well as the actions required by the person and time requirements for those actions.

photo enforcement; signage (H.B. 2174) – Chapter 188

Requires every municipality or agency of this state using a photo enforcement system to adopt standards and specifications for signage indicating to a person operating a motor vehicle that a photo enforcement system is present and operational. Mobile photo enforcement vehicles deployed on streets with a posted speed limit of 40 miles per hour or less are not subject to required signage standards and specifications.

TRANSPORTATION COMMITTEE (Cont'd.)

state highway fund bonds (H.B. 2206) – Chapter 284

Removes the \$1.3 billion allowable cap on the total amount of outstanding Highway User Revenue Fund parity bonds. Additionally, the State Transportation Board may not issue parity bonds unless the money subject to pledge for bond payments exceeds the highest annual payments required for all outstanding bonds over the bonds' life by three times rather than two.

driver licenses; organ donor information (H.B. 2207) – Chapter 21

SEE HEALTH COMMITTEE.

license plate design (NOW: motor vehicle accidents; unlawful operations) (H.B. 2208) – Chapter 297

SEE JUDICIARY COMMITTEE.

driving schools; limitation of hours (H.B. 2322) – Chapter 23

Prohibits defensive driving school classes from exceeding a total of four and one-half hours, including any testing, reviewing and grading related to the class.

ASRS; return to work requirement (NOW: vehicle length) (H.B. 2335) – Chapter 226

Excludes a power unit, farm vehicle, horse trailer and wheeled equipment from the 40-foot maximum front to rear bumper vehicle length limit and allows a farm vehicle or horse trailer to be pulled as the middle unit when recreational vehicles pull two units.

commercial driver licenses; motor carriers (H.B. 2345) – Chapter 205

Conforms various regulations and penalties associated with commercial driver licenses (CDL) and motor carriers to federal law, including: 1) the cancellation of a license endorsement for hazardous materials violations; 2) prohibiting the Arizona Department of Transportation (ADOT) from issuing specified licenses to individuals with cancelled licenses until the cause is resolved; 3) prohibiting ADOT from issuing specified classes of licenses or instructional permits to individuals who are not Arizona residents; and 4) requiring ADOT to disqualify a person from driving a commercial vehicle for driving under the influence, committing a felony involving controlled substances or for multiple out-of-service order violations.

Allows the ADOT Director to adopt rules establishing a fee based on the number of axles attached to a foreign commercial vehicle that is imposed on nonresidents operating a foreign vehicle combination that enters Arizona by crossing the Arizona-Mexico border for a commercial enterprise. Deposits nonresident axle fee in the Safety Enforcement Transportation Infrastructure Fund (SETIF) and changes the authorized use of SETIF monies to the procurement of electronic monitoring equipment, automated systems or improvements to existing equipment systems designed to relieve vehicle congestion at ports of entry on the Arizona-Mexico border.

TRANSPORTATION COMMITTEE (Cont'd.)

authorized third parties; dealer licensing (NOW: signs; covering; school bus) (H.B. 2389) – Chapter 276

Expands the situations in which school buses are exempt from the requirement to cover or conceal the “school bus” designation to include transporting students to school sponsored academic activities, vocational and technological education, athletic trips and extracurricular activities. The criminal penalties associated with unlawfully passing a school bus are replaced with various possible civil penalties, including fines and suspension of driving privileges.

disclosure of personal information; MVD (H.B. 2614) – Chapter 304

Conforms state law regarding the disclosure of personal information obtained by the Arizona Department of Transportation’s (ADOT) Motor Vehicle Division (MVD) to the Drivers’ Privacy Protection Act of 1994.

Outlines additional authorized circumstances in which ADOT may disclose personal information. The MVD Director must provide an opportunity for express consent to opt in to the release of personal information in a clear and conspicuous manner. The opt-in form must include information regarding the disclosure of information, a written or electronic signature and an explanation of the difference between a one-time authorization and a general consent opt-in.

Allows an authorized recipient of personal information to resell or redisclose the information only for authorized uses or for any purpose if the person gives express permission. Unless it was obtained with the person’s express consent, authorized resellers must keep records identifying each person or entity that receives information and the permitted purpose for which the information is used for five years, and the documents must be made available to ADOT on request.

Penalties are outlined for the misuse of personal information.

Establishes a six-member Joint Legislative Study Committee on Motor Vehicle Records to review federal laws, state laws and MVD’s policy regarding the release of personal information and other consumer protection issues related to the disbursement of personal information. The MVD Director must also select a review panel to review applications for the release of information.

school crossings; traffic violation; assessment (H.B. 2615) – Chapter 286

Requires an additional assessment equal to the amount of the civil penalty to be paid if a person is found responsible for a civil traffic violation in a school crossing during school hours or during opening or closing hours and excludes the assessment from any surcharge. The courts’ responsibilities in fee collection and distribution are also delineated.

TRANSPORTATION COMMITTEE (Cont'd.)

off highway vehicles; regulation (NOW: MVD third party fees; retention) (H.B. 2622) – Chapter 287

Expands the types of transactions for which a Motor Vehicle Division (MVD) third party service provider is eligible for reimbursement. Additionally, third parties may be reimbursed for a percentage of each fuel tax report filed annually, or a flat rate, whichever is greater, and caps the annual maximum reimbursement. Allows third parties to collect additional fees associated with expedited application processing.

Allows the Arizona Department of Transportation (ADOT) Director to authorize the electronic third party service provider to process electronic fund transfers to MVD for payment of motor vehicle taxes and fees and authorizes the third party provider to add a \$2 processing fee for each transfer. The requisite bond amount is increased from \$25,000 to \$100,000 for a person who is applying to operate as an authorized MVD third party service provider, and ADOT bonded title service companies are no longer exempt from the bond requirements.

engine braking; mufflers; noise levels (NOW: commercial vehicles; exhaust systems) (H.B. 2691) – Chapter 277

Requires a commercial motor vehicle operating in Arizona to have a visually detectable exhaust system that is free from any defect affecting sound reduction, equipped with a muffler or similar device and free of any cutout or bypass system. Violators are subject to a civil penalty of at least \$500, which a court may reduce or waive if the violation is remedied.

White Mountain Apache tribe plates (H.B. 2727) – Chapter 290

Requires the Arizona Department of Transportation (ADOT) to issue special license plates for families of fallen police officers, the White Mountain Apache Tribe and an Arizona professional baseball club, if specified conditions are met. The conditions for each plate include a \$32,000 payment to ADOT by December 31, 2006, to implement the plates and an approved plate design that is unique to each cause or group. Each plate may be combined with a personalized plate request and is subject to the personalized plate fee. For each plate, \$8 of the \$25 special plate fee is an administrative fee to be deposited in the State Highway Fund and \$17 is an annual donation to the respective cause.

motorized electric; gas powered bicycles (H.B. 2796) – Chapter 292

Exempts motorized electric and gas powered bicycles and tricycles from several motor vehicle regulations, including title, registration, insurance, vehicle license taxes, equipment and vehicle emissions inspections, also changes the definition of “neighborhood electric vehicle” to allow larger vehicles.